

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2008-300-C - ORDER NO. 2008-600  
AUGUST 26, 2008

IN RE: Application of PRTCommunications, LLC	) ORDER GRANTING
for Designation as an Eligible	) MOTION FOR
Telecommunications Carrier	) CONFIDENTIAL
	) TREATMENT

This matter comes before the Public Service Commission of South Carolina (the Commission) on the motion of PRTCommunications, LLC (PRTC or the Company) for protection of certain material filed in this docket. PRTC requests that the Company's Network Improvement Plan (Plan), with attachments, to the Company's Petition for Designation as an Eligible Telecommunications Carrier filing be held as proprietary information and be protected from public disclosure.

On August 5, 2008, PRTC filed with the Commission a petition seeking designation as an Eligible Telecommunications Carrier. Concurrently with its petition and pursuant to Commission Regulation 103-690(C)(a)(1)(B), PRTC filed the Company's Plan for proposed specific improvements and upgrades to the Company's network and filed such Plan as confidential. PRTC moves for protection of its Plan by this Commission. PRTC asserts in its motion that the Company's Plan contains confidential information of a proprietary and competitively sensitive business nature containing detailed maps and other information dealing with projected start and completion dates; estimated amount of investment, estimated population to be served;

coverage areas; and funding information for the improvements, extending over the next two calendar years 2009 and 2010. According to PRTC, public disclosure of these materials would cause competitive harm to the Company and would give actual and potential competitors an unfair competitive advantage. PRTC files its Plan in a separate and sealed package clearly marked “confidential” in accordance with the Commission’s guidelines set forth in Commission Order No. 2005-226, “*Order Requiring Designation of Confidential Materials.*”

The South Carolina Freedom of Information Act (“FOIA”) allows exemption from disclosure proprietary business information that meets a definition of “trade secrets.” S.C. Code Ann. Section 30-4-40(a)(1) states that matters which may be exempt from FOIA include: “(1) Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes....Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, and evaluations and other materials which contain references to potential customers, competitive information or evaluation.” We find that the information contained in PRTC’s Network Improvement Plan for which the Company seeks protection as confidential meets the definition of “trade secrets” as defined under FOIA, and therefore, we grant PRTC’s Motion.

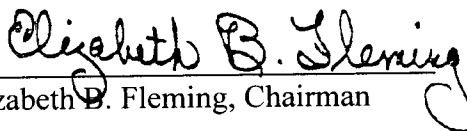
IT IS THEREFORE ORDERED THAT:

1. The Motion of PRTCCommunications, LLC for protection is granted. Accordingly, the Network Improvement Plan, with attachments, to the Application of

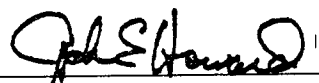
PRTCommunications, LLC filed with the Commission is granted confidential treatment and shall be maintained under seal and withheld from public disclosure.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Elizabeth B. Fleming, Chairman

ATTEST:

  
John E. Howard, Vice Chairman  
(SEAL)